

PARAGUAY (Tier 2)

Paraguay is a source country for women and children subjected to sex trafficking and for men, women, and children subjected to forced labor. To a more limited extent, Paraguay is a destination and transit country for men and women subjected to forced labor and forced prostitution. Paraguayan trafficking victims are found in Argentina, Chile, Bolivia, and Spain. During the year, a significant number of Paraguayan sex trafficking victims were identified in Argentina, while a group of 57 Paraguayans were exploited in forced labor in a vineyard in Chile. Officials identified new destinations for Paraguayan victims of sex trafficking, including South Korea, Japan, Mexico, and the United States. Authorities reported a pattern of Paraguayan women smuggling drugs through North Africa who are subsequently sent to Europe, reportedly to be exploited in forced prostitution. An NGO reported that transgender Paraguayan teenagers were exploited in sex trafficking in Italy, as well as within the country. Domestic servitude and sex trafficking of women and girls within the country remain a serious problem, with many victims recruited from rural areas, in particular for the department of Caazapa, and exploited in urban centers such as Asuncion, Ciudad del Este, and Encarnacion. Indigenous persons are particularly at risk of being subjected to forced labor and sex trafficking. Street children remained vulnerable to human trafficking.

The Government of Paraguay does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government increased law enforcement efforts through record conviction numbers and maintained provision of victim services for sex trafficking victims during the year. However, the legal framework failed to adequately prohibit internal cases of forced labor or sex trafficking; specialized victim services remained limited outside of the capital; and authorities lacked a formal system to proactively identify trafficking victims.

Recommendations for Paraguay: Address deficiencies in anti-trafficking laws to prohibit forced labor and sex trafficking occurring within the country's borders; ensure access to comprehensive services and shelter for victims of sex and labor trafficking alike through increased funding for victim services; intensify efforts to investigate and prosecute trafficking offenses, including forced labor crimes and crimes involving official complicity, as well as efforts to convict and punish trafficking offenders; consider increasing resources for dedicated police and prosecutorial units; increase training for government officials, including law enforcement officials, judges, and social workers on how to identify and respond to trafficking cases; consider strengthening interagency efforts through passing a national plan; and strengthen efforts to raise public awareness about all forms of human trafficking, including internal trafficking.

Prosecution

The Paraguayan government's anti-trafficking law enforcement increased during the past year, as authorities convicted a significant number of traffickers. Paraguay's penal code does not sufficiently prohibit all forms of trafficking in persons. Articles 129(b) and (c) of the penal code, which came into force in July 2009, prohibit transnational sex and labor trafficking that involve the use of force, threats, deception, or trickery, prescribing penalties up to 12 years' imprisonment. All of these prescribed penalties are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. Although Paraguayan law does not specifically prohibit internal trafficking, prosecutors could draw on exploitation of prostitution, kidnapping, and servitude statutes, as well as other penal code provisions, to prosecute internal trafficking offenses. A draft comprehensive trafficking law was introduced to congress during the year.

The police maintained anti-trafficking units in Asuncion, Puerto Elisa, Colonel Oviedo, Encarnacion, and Ciudad del Este. The dedicated anti-trafficking unit in the attorney general's office had a total of two prosecutors and 10 assistants, and this unit worked across the country to investigate and prosecute human trafficking cases. Some civil society and government actors noted that the units had limited human and material resources, and awareness of internal trafficking crimes was weak among many officials. In 2011, Paraguayan prosecutors reported investigating at least 146 possible trafficking cases, compared with 107 possible cases opened in 2010; most cases involved sex trafficking. Authorities initiated 30 new prosecutions and achieved nine convictions of trafficking offenders; six cases involved transnational sex trafficking and one involved transnational forced labor, while prosecutors used other statutes to convict two traffickers for internal sex trafficking. Sentences ranged from two to four years' imprisonment, and all convicted traffickers reportedly were serving jail sentences. This is a significant increase compared with the previous reporting period, when officials reported no convictions for trafficking crimes. Some government officials, including police, border guards, judges, and public registry employees, reportedly facilitated trafficking crimes, including by protecting brothels where minors were prostituted. One case against a police officer for involvement in sex trafficking remained pending. Paraguayan officials continued to cooperate with Argentine and Chilean counterparts on trafficking investigations.

Protection

The Government of Paraguay maintained efforts to protect female victims of sex trafficking during the reporting period, but victim assistance remained uneven outside of the capital. Authorities did not employ formal procedures for proactively identifying trafficking victims among vulnerable populations such as those in prostitution, domestic workers, or street children. Officials referred identified victims to services on an ad hoc basis. During the reporting period, prosecutors identified 145 trafficking victims, including 88 sex trafficking victims who were referred to care facilities. The coordinator of the anti-trafficking roundtable reported that 192 victims were identified during the year, while the Directorate of Expatriates reported assisting 314 victims abroad. The differing figures reflect the difficulties in collecting comprehensive and accurate victim data.

The government's Women's Secretariat (SMRP) ran one shelter in Asuncion for female trafficking victims; the shelter did not detain adult victims involuntarily, and during the year it assisted 38 victims. SMRP also continued to fund other assistance programs, including three drop-in centers for female victims of violence or trafficking. Most victim services, however, were funded at least in part by international donors and were provided by NGOs. During the year the government opened and staffed a second shelter dedicated for female trafficking victims in Ciudad del Este; however, it shut down after three months when a private donor supporting the shelter ceased paying rent. Twenty-five girls housed at the shelter were returned to their families, some of whom were complicit in their exploitation. A report published during the year highlighted the lack of specialized services, including shelters, available for child sex trafficking victims. The Paraguayan government did not offer shelter facilities for male victims.

Paraguayan authorities encouraged victims to participate in the investigation and prosecution of their traffickers, and some victims filed complaints to open investigations. Victims generally avoided the court system, however, due to social stigma, fear of retaliation, and the lengthy judicial process. Identified victims generally were not jailed, deported, or otherwise penalized for acts committed as a direct result of being trafficked. The Government of Paraguay could offer temporary or permanent residency status for foreign trafficking victims through its liberal immigration system, but did not report doing so in the past year.

Prevention

The Paraguayan government maintained prevention activities during the reporting period. Government agencies, civil society organizations, and foreign diplomatic missions participated in a government-run anti-trafficking roundtable, which met several times during the year, and whose four sub-committees each met 10 times during the year. The roundtable drafted a national anti-trafficking plan, which awaited the president's signature. No new awareness campaigns were initiated during the year, although the government continued to distribute "know your rights" pamphlets to educate Paraguayans seeking work abroad. The government reported no efforts to reduce demand for commercial sex acts or forced labor. Some government agencies issued public reports of their anti-trafficking efforts. Paraguay was not a known destination for child sex tourists, although foreign citizens from Brazil and Argentina are reported to engage in commercial sexual exploitation of children in the tri-border area. The government provided human rights training, which included a human trafficking component, to Paraguayan troops prior to their deployment abroad on international peacekeeping missions.
